



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 5329-99  
18 April 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 2 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1780  
PERS-604  
2 Mar 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IC [REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 24 Feb 00  
(b) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a):

a. Recommend the Board deny Mr. [REDACTED] request for educational benefits. A review of [REDACTED] master microfiche record indicates he disenrolled from the Montgomery GI Bill (MGIB) Program on 4 May 1989. Per reference (b), the decision to disenroll is irrevocable.

b. [REDACTED] DD Form 214 indicates his separation from Navy was for reduction-in-force for convenience of the government. Servicemembers discharged for reduction in authorized strength, who enrolled in the MGIB Program, are entitled to one month of basic education assistance for each full month of active duty served, up to a maximum of 36 months. Since Mr. Rodriguez was never enrolled in the MGIB Program, he is not entitled to enrollment or benefits.

2. PERS-604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-3227 or (C) 901-874-3227.

[REDACTED]  
Captain, U.S. Navy  
Director, Navy Drug & Alcohol,  
Fitness, Education, and  
Partnerships Division (PERS-60)